

JOSEPH J. JELINCIC, JR.
v.
CALIFORNIA PUBLIC EMPLOYEES'
RETIREMENT SYSTEM

Appeal from Formal Reprimand

Case No. 10-5079

DECISION

WHEREAS, the State Personnel Board has considered carefully the findings of fact and Proposed Decision filed by the Administrative Law Judge in the above matter; and

WHEREAS, by said Proposed Decision the Formal Reprimand issued to Joseph Jelincic, Jr. is **SUSTAINED**.

IT IS RESOLVED that the findings of fact, determination of issues, and Proposed Decision of the Administrative Law Judge in said matter are hereby adopted by the State Personnel Board as its Decision in the case on the date set forth below, that a true copy of the Proposed Decision shall be attached to this Resolution for delivery to the parties in accordance with the law, and that adoption of the Resolution shall be reflected in the record of the meeting and the Board's minutes.

* * * * *

The foregoing Resolution was made and adopted by the State Personnel Board in Case Number 10-5079 at its meeting, on September 6, 2011, as reflected in the record of the meeting and Board minutes.

DATE: September 8, 2011

/s/ SUZANNE M. AMBROSE
SUZANNE M. AMBROSE
Executive Officer

JOSEPH J. JELINCIC, JR.
v.
CALIFORNIA PUBLIC EMPLOYEES'
RETIREMENT SYSTEM

Appeal from Formal Reprimand

Case No. 10-5079

Proposed Decision

STATEMENT OF THE CASE

This matter came on regularly for evidentiary hearing before Teri L. Block, Administrative Law Judge (ALJ), State Personnel Board (SPB), on July 6, 2011. The case was submitted upon receipt of closing arguments the same day.

Appellant, Joseph Jelincic, Jr., was present and represented by Joyce Thomas-Villaronga, Union Representative, Service Employees International Union, Local 1000.

Respondent, California Public Employees' Retirement System (Respondent or CalPERS), was represented by Ashanté Norton and Shanna Thomas, Deputy Attorneys General.

Respondent charged Appellant with inappropriate conduct in violation of CalPERS' Zero-Tolerance Sexual Harassment Prevention Policy. Appellant denied all charges against him.

ISSUES

The issues to be resolved are:

1. Did Respondent prove the charges by a preponderance of the evidence?
2. If Respondent proved the charges by a preponderance of the evidence, does Appellant's conduct constitute a violation of Government Code section 19572, subdivisions (m) discourteous treatment of the public or other employees; (o) willful disobedience; (t) other failure of good behavior

on or off duty, causing discredit to the employee or the appointing authority; and/or, (w) unlawful discrimination, including harassment, on the basis of race, religious creed, color, national origin, ancestry, disability, marital status, sex, or age, against the public or other employees while acting in the capacity of a state employee?

3. If Appellant's conduct violated Government Code section 19572, what is the appropriate penalty?

FACTUAL FINDINGS

The following facts were proven by a preponderance of the evidence:

1. Respondent hired Appellant in January of 1986. At all times relevant to this matter, he was an Investment Officer III. In January 2010, Appellant assumed an elected position as a member of the CalPERS Board of Directors, thus serving in a dual capacity as an Investment Officer III and member of the CalPERS Board of Directors. During this time, he reported to Theodore Eliopoulos (Eliopoulos), Senior Investment Officer, Global Real Estate Unit.
2. CalPERS' Zero-Tolerance Sexual Harassment Prevention Policy (Policy) provides:

CalPERS has zero tolerance for harassment of any kind and expects its managers and supervisors to vigorously and visibly promote a harassment-free work environment. The CalPERS Zero Tolerance Sexual Harassment Prevention Policy includes a commitment to prevent harassment by and of all employees and/or official representatives of CalPERS.
3. The Policy lists common forms of sexual harassment, as follows:
 - Unwanted sexual advances;
 - Offering employment benefits in exchange for sexual favors;

- Actual or threatened retaliation;
- Leering, making sexual gestures, or displaying sexually suggestive objects, pictures, cartoons, emails or posters;
- Making or using derogatory comments, epithets, slurs, or jokes;
- Sexual comments including graphic comments about an individual's body, sexually degrading words used to describe an individual, or suggestive or obscene letters, emails, notes, or invitations;
- Physical touching or assault, as well as impeding or blocking movements; and,
- Unwanted sexual advances, requests for sexual favors, and other unwanted verbal, physical or visual conduct of a sexual nature that creates an intimidating, hostile or offensive working environment.

4. Under "Rights and Responsibilities," the Policy states:

CalPERS is committed to taking all reasonable steps to prevent and remedy sexual harassment and all forms of inappropriate sexual conduct. This commitment includes viewing acts of inappropriate sexual conduct as a violation of this policy, *even if the conduct does not technically violate State or federal anti-harassment law.* (Emphasis in original.)

5. The Policy also sets forth manager and supervisor responsibilities:

Managers and supervisors are charged with special responsibility to prevent and respond to harassment in the work areas they supervise. They are responsible for taking steps to prevent harassment and for stopping harassment that comes to their attention.

When managers and supervisors obtain information indicating that harassment may have occurred, even if not directly within their line of supervision or responsibility, they have the obligation to inform their manager or supervisor immediately and concurrently report the harassment to the Diversity/Equal employment opportunity (EEO) Officer of Internal Operations, CalPERS Diversity Outreach Program.

6. Finally, the Policy imposes discipline for violations:

CalPERS will impose appropriate disciplinary action against any persons found in violation of this policy. Such action

may include letters of reprimand, suspension, demotion, and discharge from employment.

7. The Policy was in effect at all relevant times. Appellant acknowledged that he had received formal training on the Policy, that he had received and reviewed a copy of the Policy with his supervisor, and that he was familiar with its provisions.
8. In 2007, Respondent hired [REDACTED] T [REDACTED] (T [REDACTED]) as an Office Technician to provide administrative support to the entire Real Estate Unit, including Appellant. In time, T [REDACTED] became increasingly uncomfortable working around Appellant because he used an exaggerated overly-friendly tone when he said “hello” or “thank you” to her. Gradually, he began leering at her when she bent down to use the centrally-located fax machine, and licking his thumb and making the hot sound “tssst” when she walked by. She also frequently noted that he looked her “up and down” with “elevator eyes,”¹ which made her feel awkward and uneasy. At some point, she told Appellant that his conduct made her uncomfortable and asked that he stop.
9. In late January 2009, Appellant observed T [REDACTED] and another employee, [REDACTED] E [REDACTED] (E [REDACTED]), seated in a conference room. Appellant stopped, smiled at the two women, and walked away. Later, he commented to T [REDACTED], “I should have sat down [when I saw the two of you] because I would have gotten a great view,” or words to that effect (Great View Comment).

¹ The terms “up and down” and “elevator eyes” are in quotes because all three female complainants used these terms to describe the way that Appellant looked at them.

10. T■■■■ was offended by the remark. The following day, she informed Appellant she did not appreciate his comment, and that it made her uncomfortable. She also reminded Appellant that she had told him previously that his conduct made her uncomfortable, and asked again that he stop making such remarks to her in the future. Appellant apologized and said that he would take this information into consideration.
11. T■■■■ documented this conversation the same day and forwarded a copy of the documentation to her supervisor, Paul Mouchakkaa (Mouchakkaa), who reported the complaint to Eliopoulos.
12. On February 3, 2009, Eliopoulos and supervisor Randy Pottle (Pottle) met with Appellant to inform him that T■■■■ had reported that she was offended by his conduct. Eliopoulos provided a copy of the Policy to Appellant, reviewed it with him, and instructed him to stop making remarks of a sexual nature to T■■■■ and/or any other employees. Eliopoulos documented the meeting in a memo that he forwarded to the CalPERS Human Resources Division.
13. ■■■■■ E■■■■■ (E■■■■■) began working as an Office Technician for CalPERS in June 2008, providing administrative support to investment officers, including Appellant. Shortly after she was hired, Appellant began complimenting E■■■■■ on her shoes. Initially, E■■■■■ was not offended by Appellant's compliments, but by December 2008, the compliments began to make her feel uncomfortable.
14. E■■■■■ did not hear Appellant's Great View Comment, but it made her uncomfortable when T■■■■ told her about it. E■■■■■ offered to

come forward with T■■■■ to complain, but T■■■■ assured her that she would address the matter herself through the sexual harassment complaint process.

15. After Eliopoulos and Pottle met with Appellant to discuss the Great View Comment, Appellant continued to compliment E■■■■■ by whispering “nice shoes” discretely rather than saying it out loud, as he had done before.
16. On one occasion, while E■■■■■ and a female intern were meeting in a conference room, Appellant walked in, looked both women “up and down,” nodded his head, said nothing, closed the door, and left (the Conference Room Incident). The women were offended by this conduct and agreed that Appellant’s behavior was “creepy,” but did not report the incident at the time.
17. In August 2010, E■■■■■ wore a new dress to work. When she approached the office printer, Appellant looked at her with “elevator eyes” and said, “Looking good!” E■■■■■ was upset by the comment because she felt that Appellant was looking at her inappropriately. Thereafter, she began to avoid him in the office. She said she did not confront Appellant “because I’m not very assertive or confrontational. That’s not my personality.” She did, however, report his conduct to her supervisor, Portfolio Manager Christine Gogan (Gogan).
18. E■■■■■ told Gogan that Appellant made her feel uncomfortable because of the way he looked at her. She also reported the Conference Room Incident, and informed Gogan that she had heard other women in

the office complain that Appellant's conduct made them uncomfortable, including, T■■■■, ■■■■■ O■■■■■ (O■■■■■), and ■■■■■ C■■■■■ (C■■■■■). Gogan interviewed all three women.

19. O■■■■■ started working for Respondent as an Office Technician in March 2010. Her duties included delivering newspapers twice a day to two supervisors and Appellant. At some point, Appellant began looking O■■■■■ "up and down" when she delivered his newspapers. C■■■■■ described the looks as slow and deliberate – scrutinizing her "from head to toe." C■■■■■ was very uncomfortable with this behavior.
20. Eventually, C■■■■■ began to avoid Appellant by delivering his papers early in the morning, before he arrived at work. She also tried to deliver the afternoon papers when he was away from his cubicle or in meetings. On occasion, Appellant would call and ask her to deliver his paper to him. C■■■■■ found this odd because Appellant's desk was closer than hers to the newspaper stand.
21. In August 2010, Appellant told O■■■■■ he liked to see her pretty face. Although she did not confront him at the time, she was extremely uncomfortable with the comment because Appellant's conduct had been getting progressively worse. For example, on one occasion he stopped C■■■■■ and invited her to play with a stuffed animal on his desk. C■■■■■ said the invitation made her uncomfortable because she felt that he was trying to delay her at his cubicle. She said Appellant did not behave this way toward men in the office, and that his conduct made her feel insignificant and demeaned.

22. On another occasion, C██████ was asked to respond to Appellant's request for help with his computer. Because she was uncomfortable being in Appellant's cubicle, she asked C██████ to accompany her. C██████ observed Appellant looking her "up and down" while she attempted to fix his computer. She felt that Appellant was deliberately leering at her, and that his conduct was disrespectful. When the two women left, C██████ remarked, "We should never be in his cubicle like that again," or words to that effect.
23. Sometime after commenting about C██████'s pretty face, C██████ again was delivering papers to Appellant. As she approached his cubicle, he leaned back in his chair with his hands behind his head – elbows stretched out and legs extended in front of him – looked her "up and down" and said, "I like that!" or words to that effect. Although C██████ felt "shocked, belittled, demeaned, disrespected, and humiliated" by the comment, she did not confront Appellant because "I am a reserved person. Not confrontational. I just walked out." C██████ shared this incident with E██████ because she knew E██████ had experienced similar conduct by Appellant, and because E██████ was a lead Office Technician.
24. After Gogan interviewed T██████, C██████, and C██████, who confirmed their experiences with Appellant, she informed C██████ that she would no longer be required to deliver papers to Appellant. Gogan also noted that C██████ was on probation at the time, and did not want to get involved in leveling complaints against Appellant.

25. Gogan also consulted with Pottle and CalPERS General Counsel Peter Mixon, who advised her to report the complaints to Respondent's Equal Employment Opportunity (EEO) Office, consistent with EEO protocols.
26. After Gogan reported the complaints to the EEO Office, Respondent retained independent investigator Douglas Dixon, who interviewed nine individuals, including T■■■■, E■■■■■, C■■■■■, C■■■■■, Gogan, Appellant, and his supervisors. Based on the results of his investigation, Dixon concluded that Appellant's conduct violated the Policy.
27. Appellant did not deny the conduct alleged, but asserted that he never intended to offend T■■■■, E■■■■■, and C■■■■■, and that he looked "up and down" at them because he wore bifocal glasses. He also asserted that Gogan reported his conduct to EEO out of personal animus.
28. On December 22, 2010, Respondent issued a formal reprimand to Appellant.

Credibility Determination

Appellant did not deny the conduct that he was accused of; rather, he asserted that he never intended to offend T■■■■, E■■■■■, and C■■■■■. Accordingly, there is no discrepancy between his testimony and the testimony of other witnesses. It is worth noting, nonetheless, that T■■■■, E■■■■■, and C■■■■■ offered consistent, credible testimony regarding Appellant's mannerisms, the sexual undercurrent of his behavior, and the offensive nature of this conduct. Their testimony was credible because there was no evidence to suggest that the women were biased, motivated by

personal animus, or had colluded to fabricate charges against Appellant. (See Evidence Code section 780.)²

PRINCIPLES OF LAW AND ANALYSIS

In a disciplinary appeal, the appointing power must prove the charges against the employee by a preponderance of the evidence. (Evid. Code, §115; *Lyle Q. Guidry* (1995) SPB Dec. No. 95-09.) Respondent has met this burden as to all charges.

Discourteous Treatment, Willful Disobedience, and Other Failure of Good Behavior

Respondent charged Appellant with discourteous treatment of other employees, willful disobedience, and other failure of good behavior on the ground that he made inappropriate comments of a sexual nature to female employees, both before and after his supervisors told him to stop.

Discourteous treatment of the public or other employees under Government Code section 19572, subdivision (m) involves conduct that displays hostility towards others, employs an abrasive tone of voice, or has a brusque demeanor. (*Walker v. State Personnel Board* (1971) 16 Cal.App.3d 550; *Gayle McCormick* (2003) SPB Dec. No. 03-06.) Discourteous treatment can include a flippant attitude, as well as rude, demeaning, and sarcastic comments. (*Michael Prudell* (1993) SPB Dec. No. 93-30.) Additionally, conduct that fails to rise to the level of sexual harassment may nonetheless

² Evidence Code section 780 provides, in relevant part:

Except as otherwise provided by statute, the court or jury may consider in determining the credibility of a witness any matter that has any tendency in reason to prove or disprove the truthfulness of his testimony at the hearing, including but not limited to any of the following: (a) his demeanor while testifying and the manner in which he testifies; (b) the character of his testimony; (c) the extent of his capacity to perceive, to recollect, or to communicate any matter about which he testifies; (d) the extent of his opportunity to perceive any matter about which he testifies; (e) his character for honesty or veracity or their opposites; (f) the existence or nonexistence of a bias, interest, or other motive; ... (i) the existence or nonexistence of any fact testified to by him....

constitute discourteous treatment within the meaning of Government Code section 19572, subdivision (m). (*Leonard M. Grill* (2003) SPB Case No. 03-01; *Clayton Carter* (1994) SPB Dec. No. 94-21; *Jose L. Flores, Jr.* (1994) SPB Dec. No. 94-24.)

Appellant's conduct toward T■■■■, E■■■■■■■■■■, and O■■■■■■■■■■ was unprofessional, demeaning, and inappropriate. All three women testified they were offended by his comments, persistent leers, and thinly-veiled sexual overtures. Indeed, all three eventually felt it necessary to avoid him altogether. Moreover, Appellant's conduct unquestionably violated the Policy, which expressly prohibits unwanted sexual advances, leering, making sexual gestures, making or using derogatory comments, sexual comments, suggestive invitations, unwanted verbal or visual conduct of a sexual nature that creates an intimidating, hostile, or offensive working environment.

Appellant acknowledged that he was familiar with the Policy, and that he reviewed it in January 2009 with his supervisors. Accordingly, it is particularly troubling that he continued to engage in this conduct after T■■■■ informed him that it was offensive and his supervisors formally instructed him to stop. On this record, there is sufficient evidence to sustain the charges of discourteous treatment of other employees and willful disobedience.³

Other failure of good behavior under Government Code section 19572, subdivision (t) requires more than mere misconduct. The misconduct must be of such a nature as to reflect upon the employee's job, and causes discredit to the appointing authority or the appellant's employment. In other words, [1] the "misconduct must bear some rational relationship to [the employee's] employment and [2] must be of such

³ Willful disobedience under Government Code section 19572, subdivision (o) is found where an employee knowingly or intentionally violates a direct command or prohibition. (*Ethel Warren* (1999) SPB Dec. No. 99-09; *Richard J. Hildreth* (1993) SPB Dec. No. 93-22.)

character that it can easily result in the impairment or disruption of the public service." (*Dennie L. Melton* (1995) SPB Dec. No. 95-10, citing *Yancey v. State Personnel Board* (1985) 167 Cal.App.3d 478, 483.)

The evidence established that Appellant's sexually-charged comments and gestures demeaned and offended several female employees on multiple occasions. Appellant's conduct not only violated Respondent's Policy, but discredited his employment and caused harm to the public service. (See *Walter H. Morton, Jr.* (1994) SPB Dec. No. 94-26 [holding harm to the public service occurs when an employee ignores or refuses to obey a clear department policy]). This is particularly so here, where female employees felt so uncomfortable that they found it necessary to avoid Appellant. Moreover, the fact that he behaved this way while serving as a CalPERS Board member was clearly a discredit to Respondent. Accordingly, the charge of other failure of good behavior in violation of Government Code section 19572, subdivision (t) is sustained.

Unlawful Discrimination/Harassment

Government Code section 19752, subdivision (w) provides that "unlawful discrimination, including harassment, on any basis listed in subdivision (a) of [Government Code s]ection 12940... against the public or other employees while acting in the capacity of a state employee" shall be cause for discipline. Since the meaning of the term "harassment on the basis of sex" is not defined in the statute, the SPB has turned to the legal standards that the courts apply when reviewing harassment claims under Title VII of the Civil Rights Act of 1964 (42 U.S.C. §§ 2000e et seq.) and the California Fair Employment and Housing Act (Gov. Code, §§ 12900 et seq.) to determine whether conduct in the workplace constitutes grounds for discipline under

Government Code section 19572, subdivision (w). (*Charles T. Cook* (1999) SPB Dec. No. 99-03.)

In *Meritor Savings Bank v. Vinson* (1986) 477 U.S. 57, the United States Supreme Court relied on Equal Employment Opportunity Commission (EEOC) regulations to determine whether the defendant's sexually-charged conduct created a hostile work environment. EEOC regulations define hostile work environment sexual harassment as follows:

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature ... when such conduct has the purpose or effect of, unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

(29 C.F.R. section 1604.11(a).)

To be actionable, sexual harassment must be sufficiently severe or pervasive "to alter the conditions of [the victim's] employment and create an abusive working environment." (*Meritor, supra*, 477 U.S. 57, 67.) The question of whether conduct creates an abusive working environment "is not, and by its nature cannot be, a mathematically precise test." (*Harris v. Forklift Systems, Inc.* (1993) 510 U.S. 17, 22.)

As the Court explained in *Harris*:

[W]hether an environment is 'hostile' or 'abusive' can be determined only by looking at all the circumstances. These may include the frequency of the discriminatory conduct; its severity; whether it is physically threatening or humiliating, or a mere offensive utterance; and whether it unreasonably interferes with an employee's work performance. The effect on the employee's psychological well-being is, of course, relevant to determining whether the plaintiff actually found the environment abusive. But while psychological harm, like any other relevant factor, may be taken into account, no single factor is required.

(*Id.* at p. 23.)

Here, three female employees testified that throughout 2009 and 2010, Appellant repeatedly made demeaning comments of a sexual nature about their looks and clothing, used an overly-familiar tone that suggested he was interested in more than just being friendly, and objectified them when he looked them “up and down” with obvious “elevator eyes.” All three were offended and humiliated by this conduct, and all eventually sought to avoid him. This evidence aptly supports a finding that Appellant’s sexually-charged conduct, while perhaps not severe, was unquestionably pervasive and humiliating, and unreasonably interfered with the work performance of T■■■■, E■■■■■, and C■■■■■.

Appellant’s argument that he looked “up and down” at the women because he wore bifocal eye glasses is not persuasive. On several occasions, he made suggestive comments shortly after looking the women “up and down.” Additionally, all three women testified they were disturbed not only by the way that Appellant looked at them, but also his body language and tone of voice. All three commented that Appellant’s behavior telegraphed an unmistakable sexual undercurrent.

Likewise, there is insufficient evidence to support Appellant’s claim that Gogan reported his conduct to the EEO Office out of some personal animus. Gogan testified that she was well-versed in the Policy, and that because she was a supervisor, she had an absolute duty to report all sexual harassment complaints to the EEO Office, consistent with Respondent’s EEO protocol. Accordingly, the charge of unlawful discrimination/harassment is sustained.

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Penalty

In *Skelly v. State Personnel Board* (1975) 15 Cal.3d 194, 218, the Court identified the factors to be considered by the SPB in determination of penalty, as follows:

[W]e note that the overriding consideration in these cases is the extent to which the employee's conduct resulted in, or if repeated is likely to result in [h]arm to the public service. (Citations.) Other relevant factors include the circumstances surrounding the misconduct and the likelihood of its recurrence.

Harm occurs to the public service when misconduct is of such a nature that it causes discredit to the employer as well as the employee. "Public employees are trustees of the public interest and thus owe a special duty of integrity." (*Long Beach City Employees Assn. v. City of Long Beach* (1986) 41 Cal.3d 937, 952.)

Appellant's conduct toward female employees was overly-familiar, unprofessional, and unwelcome. He knew this but persisted anyway, even after his supervisors informed him that women found his comments, leers, and gestures to be offensive, and expressly instructed him to stop. The fact that he continued to behave this way while serving as a CalPERS Board member is particularly disturbing. Given his leadership position, Appellant's conduct was undoubtedly intimidating to women in the office and certainly fell short of the "special duty of integrity" that is expected of public servants. (*Long Beach City Employees Assn., supra*, 41 Cal.3d at p. 952.) Moreover, Appellant's decision to persist in this conduct after being told to stop suggests that he is unwilling to take responsibility for his actions, and signals a significant likelihood that this serious misconduct would recur. Under these circumstances, the penalty of a formal reprimand is just and proper.

CONCLUSIONS OF LAW

1. There is sufficient evidence to find that Appellant's conduct constituted a violation of Government Code section 19572, subdivisions (m) discourteous treatment of the public or other employees; (o) willful disobedience; (t) other failure of good behavior on or off duty, causing discredit to the employee or the appointing authority; and, (w) unlawful discrimination, including harassment, on the basis of race, religious creed, color, national origin, ancestry, disability, marital status, sex, or age, against the public or other employees while acting in the capacity of a state employee.
2. The penalty of a formal reprimand is just and proper.

ORDER

Respondent's action issuing a formal reprimand to Joseph J. Jelincic, Jr. is

SUSTAINED.

DATED: August 25, 2011



Teri L. Block
Administrative Law Judge
State Personnel Board

DECLARATION OF MAILING

APPELLANT COPY

In the Matter of the Appeal by: **Joseph Jelincic, Jr.**

Case No. 10-5079

Appellant:

Joseph Jelincic, Jr.
[REDACTED]
[REDACTED]

Appellant's Representative:

SEIU - Sacramento, Local 1000
1808 14th Street
Sacramento, CA 95811
Attn: Joyce Thomas-Villaronga

Personnel Officer:

CalPERS
400 Q Street
Attn: Human Resources
Sacramento, CA 95814

Legal Office:

Justice - Attorney General - Sac-Legal
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P.O. Box 944255
Sacramento, CA 94244-2550
Attn: Ashante Norton

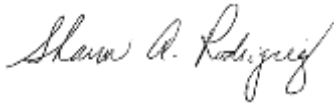
(See Attached Documents)

I, the undersigned, say and declare that at all times herein mentioned I was a citizen of the United States, over the age of eighteen years, and not a party to the above entitled proceeding; that I was employed in the County of Sacramento, State of California, and that my business address was 801 Capitol Mall, Sacramento, California. On the date shown below, I served the attached **DECISION** on each of the State agencies and persons hereinafter specified by placing true copies thereof in separate envelopes respectively addressed to said State agencies and persons named herein.

Said addresses were the last known addresses of specified agencies and persons. Each envelope was then sealed and deposited in the United States mail, at Sacramento, California, with postage thereon fully prepaid. On said date there was delivery service by United States mail at each of the places so addressed or there was regular communication by United States mail between said place of mailing and each of the places so addressed.

I declare under the penalty of perjury that the foregoing is true and correct.

Executed on September 6, 2011 at Sacramento, California.



Sharon Rodriguez

Cc:

DECLARATION OF MAILING

APPELLANT REPRESENTATIVE COPY

In the Matter of the Appeal by: **Joseph Jelincic, Jr.**

Case No. 10-5079

Appellant's Representative:

SEIU - Sacramento, Local 1000
1808 14th Street
Sacramento, CA 95811
Attn: Joyce Thomas-Villaronga

Appellant:

Joseph Jelincic, Jr.
[REDACTED]
[REDACTED]

Personnel Officer:

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Attn: Human Resources
Sacramento, CA 95814

Legal Office:

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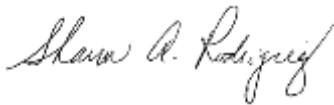
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DEPARTMENT COPY

In the Matter of the Appeal by: **Joseph Jelincic, Jr.**

Case No. 10-5079

Personnel Officer:

CalPERS
400 Q Street
Attn: Human Resources
Sacramento, CA 95814

Appellant:

Joseph Jelincic, Jr.
[REDACTED]
[REDACTED]

Legal Office:

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Attn: Joyce Thomas-Villaronga

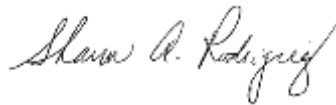
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[REDACTED]
[REDACTED]

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Sacramento, CA 95811
Attn: Joyce Thomas-Villaronga

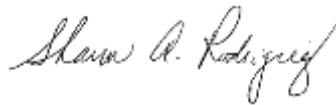
(See Attached Documents)

I, the undersigned, say and declare that at all times herein mentioned I was a citizen of the United States, over the age of eighteen years, and not a party to the above entitled proceeding; that I was employed in the County of Sacramento, State of California, and that my business address was 801 Capitol Mall, Sacramento, California. On the date shown below, I served the attached **DECISION** on each of the State agencies and persons hereinafter specified by placing true copies thereof in separate envelopes respectively addressed to said State agencies and persons named herein.

Said addresses were the last known addresses of specified agencies and persons. Each envelope was then sealed and deposited in the United States mail, at Sacramento, California, with postage thereon fully prepaid. On said date there was delivery service by United States mail at each of the places so addressed or there was regular communication by United States mail between said place of mailing and each of the places so addressed.

I declare under the penalty of perjury that the foregoing is true and correct.

Executed on September 6, 2011 at Sacramento, California.



Sharon Rodriguez

Cc:

DECLARATION OF MAILING

FILE COPY

In the Matter of the Appeal by: **Joseph Jelincic, Jr.**

Case No. 10-5079

Appellant:

Joseph Jelincic, Jr.
[REDACTED]
[REDACTED]

Appellant's Representative:

SEIU - Sacramento, Local 1000
1808 14th Street
Sacramento, CA 95811
Attn: Joyce Thomas-Villaronga

Personnel Officer:

CalPERS
400 Q Street
Attn: Human Resources
Sacramento, CA 95814

Legal Office:

Justice - Attorney General - Sac-Legal
1300 I Street, Suite 125
P.O. Box 944255
Sacramento, CA 94244-2550
Attn: Ashante Norton

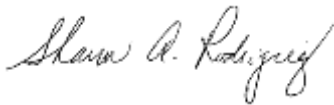
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Sharon Rodriguez

Cc: